

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LIFT-U, A DIVISION OF HOGAN MFG.,
INC., a California corporation,

Plaintiff,

v.

RICON CORP., a California corporation, and
WESTINGHOUSE AIR BRAKE
TECHNOLOGIES CORPORATION dba
VAPOR BUS INTERNATIONAL, a Delaware
corporation,

Defendants.

Case No.: 10-CV-01850-LHK

ORDER CONSOLIDATING CASES

LIFT-U, A DIVISION OF HOGAN MFG.,
INC., a California corporation,

Plaintiff,

v.

NORTH AMERICAN BUSINESS
INDUSTRIES, INC., an Alabama corporation,

Defendant.

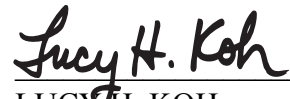
Case No.: 12-CV-01129-DMR

Before the Court is Lift-U's motion to consolidate the above captioned cases. *See* ECF No. 95. Defendant Ricon does not oppose this motion, ECF No. 96, and Defendant North American Business Industries, Inc. ("NABI") has not yet been served with the complaint and has not made an appearance. Pursuant to Federal Rule of Civil Procedure 42(a)(1), "If actions before the court involve a common question of law or fact, the court may (1) join for hearing or trial any or all matters at issue in the actions; [or] (2) consolidate the actions" The Court has reviewed Plaintiff's motion and the relevant filings in both cases and finds that these cases involve common questions of law and fact and that consolidation would promote judicial economy. Specifically, both cases involve the validity of Lift-U's patents-in-suit and whether Ricon -- in the 10-CV-1850 (the "first case") -- or NABI -- in 12-CV-01129 (the "second case") -- is liable for infringement of

1 the same Lift-U patents. Both cases also involve the same transaction, namely the offer to sale the
2 same accused product, Ricon's 1:6 rise-to-run ratio ramps. Accordingly, Lift-U's motion to
3 consolidate the two cases is GRANTED. The May 10, 2012 case management conference in the
4 first case is hereby VACATED. A case management conference for the consolidated case is set
5 for April 11, 2012. By April 4, 2012, the parties shall file a joint case management statement
6 proposing a schedule for the consolidated case. The April 20, 2012 settlement conference remains
7 as set. By March 30, 2012, Lift-U shall serve a copy of this Order on NABI and file a certificate of
8 service. All future filings will be made in first case's docket.

9 **IT IS SO ORDERED.**

10 Dated: March 26, 2012



LUCY H. KOH
United States District Judge